

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

JUANA CRUZ, ET AL.,

Plaintiffs,

v.

Delgar Foods, LLC,

Defendant.

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CASE NO.: 7:23-CV-00343

**Declaration of Sofia Lubin in Support of Defendant Delgar Foods, LLC's Motion for
Summary Judgment**

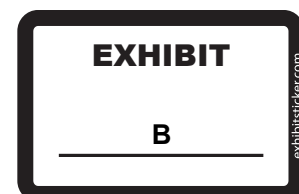
I, Sofia Lubin, hereby declare as follows:

1. I am over the age of eighteen (18) and am fully competent to make this declaration. I am CEO of Delgar Foods, LLC, d/b/a Delia's. The statements within this declaration are true and correct and within my personal knowledge.

2. Managers and supervisors at Delia's are compensated on a salary basis, regardless of the number of hours they worked in the previous week. They also receive annual discretionary bonuses.

3. Managers are assigned to one location. A manager's primary duty at Delia's is to oversee the daily operations of the business, including, but not limited to, supervising employees' work, training new and current employees on tasks, adhering to company policies, recommending disciplinary actions and/or the termination of employees, organizing shift schedules for team members, monitoring attendance, assigning duties to specific employees, and handling customer issues.

4. Supervisors are assigned to various locations. A supervisor's primary duty at Delia's is to oversee the daily operations of the locations to which they are assigned, including, but not limited to training employees, hiring employees, handling disciplinary actions and/or terminating employees, supervising daily shift operations, creating daily or weekly schedules, implementing company policies and procedures, ensuring employees comply with company policies and procedures, conducting performance evaluations, providing constructive feedback to employees, reviewing product quality, estimating the future needs of materials and supplies, controlling operational costs, and creating reports on revenues and expenses.



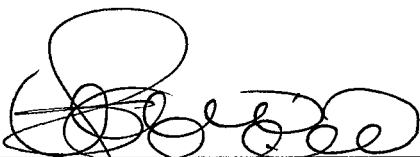
5. Hourly employees are required to clock in and out daily using a physical timekeeping system called FOCUS. The FOCUS timekeeping system requires hourly employees to clock in or out of work by using fingerprint scanning or entering a code. Hourly employees are trained by their managers and/or supervisors to use FOCUS. Delia's company policy requires that hourly employees only clock in and out for themselves and that they only perform work while they are clocked into FOCUS.

6. The FOCUS timekeeping system allows employees to view the time that has been recorded for each day they work. Delia's company policy requires all hourly employees to accurately record and report their own time. It is Delia's expectation that all hourly employees adhere to this policy. If there is a discrepancy in their time records, Delia's company policy requires that hourly employees report such discrepancies to their manager and/or supervisor. Delia's company policy also requires that the manager and/or supervisor correct discrepancies in an hourly employees' time record or report such discrepancy to Human Resources.

7. Hourly employees receive weekly paychecks reflecting all hours reported in FOCUS, including overtime, which is paid at 1.5 times their regular rate for any hour exceeding 40 in the previous seven-day workweek.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the facts set forth in the foregoing Declaration are true and correct to the best of my knowledge, information, and belief.

Executed on October 18, 2024 in Hidalgo County, Texas.


Sofia Lubin